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Report of the Human Rights Council

Report of the Third Committee

Rapporteur: Ms. Kadra Ahmed **Hassan** (Djibouti)

I. Introduction

1. At its 2nd plenary meeting, on 16 September 2011, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-sixth session the item entitled "Report of the Human Rights Council" and to allocate it to both the plenary and the Third Committee, on the understanding that the Third Committee would consider and act on all recommendations of the Human Rights Council to the Assembly, including those that deal with the development of international law in the field of human rights.

2. The Third Committee considered the item at its 39th, 43rd, 44th and 45th meetings, on 2, 10, 15 and 17 November 2011. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/66/SR.39, 43, 44 and 45).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Human Rights Council on its sixteenth and seventeenth sessions and its fourteenth, fifteenth, sixteenth and seventeenth special sessions (A/66/53);

(b) Report of the Secretary-General on the observance of the International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims (A/66/335).

4. At the 39th meeting, on 2 November, the President of the Human Rights Council made a statement and engaged in a dialogue with the representatives of the United States of America, the European Union, Australia, Japan, Switzerland, Liechtenstein, Mexico, China, the Russian Federation, Morocco, the Syrian Arab

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Republic, Argentina, Chile, Cuba, Costa Rica and Israel and the observer for Palestine (see A/C.3/66/SR.39).

II. Consideration of proposals

A. Draft resolution A/C.3/66/L.64/Rev.1

5. At the 43rd meeting, on 10 November, the representative of the United Republic of Tanzania, on behalf of the States Members of the United Nations that are members of the Group of African States, introduced a draft resolution entitled "Report of the Human Rights Council" (A/C.3/66/L.64/Rev.1).

6. At the 44th meeting, on 15 November, the representative of the United Republic of Tanzania orally revised the text by deleting, the words "some of" before the words "its recommendations" in the operative paragraph.

7. At the same meeting, the representative of Belarus requested a recorded vote on the draft resolution. Before the vote, statements were made by the representatives of the Syrian Arab Republic and Poland (on behalf of the European Union) (see A/C.3/66/SR.44).

8. Also at its 44th meeting, the Committee adopted draft resolution A/C.3/66/L.64/Rev.1, as orally revised, by a recorded vote of 95 to 4, with 60 abstentions (see para. 20, draft resolution I). The voting was as follows:[1]

In favour:

Afghanistan, Algeria, Antigua and Barbuda, Argentina, Armenia, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, Chile, China, Comoros, Congo, Côte d'Ivoire, Cuba, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Fiji, Grenada, Guatemala, Guinea-Bissau, Guyana, India, Indonesia, Iraq, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Tuvalu, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam and Yemen.

Against:

Belarus, Democratic People's Republic of Korea, Democratic Republic of the Congo, Syrian Arab Republic.

[1] The delegations of the Democratic Republic of the Congo and Iraq subsequently indicated that they had intended to abstain.

Abstaining:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Haiti, Honduras, Hungary, Iceland, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

9. After the vote, statements were made by the representatives of the United States of America, Iran (Islamic Republic of), Canada, Venezuela (Bolivarian Republic of), Chile, Israel, Pakistan, Cuba, Nicaragua, China, Switzerland (also on behalf of Norway), Costa Rica, Liechtenstein, the Democratic People's Republic of Korea, Colombia and Turkey (see A/C.3/66/SR.44).

B. Draft resolution A/C.3/66/L.65

10. At the 44th meeting, on 15 November, the representative of Morocco, on behalf of Albania, Argentina, Australia, Austria, Bolivia (Plurinational State of), Brazil, Bulgaria, Chile, Colombia, Costa Rica, Croatia, Cyprus, the Dominican Republic, Ecuador, Germany, Greece, Guatemala, Honduras, Hungary, Indonesia, Israel, Italy, Japan, Jordan, Lithuania, Luxembourg, Malaysia, Mexico, Monaco, Montenegro, Morocco, Norway, Panama, Paraguay, Peru, the Philippines, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Senegal, Serbia, Slovakia, Slovenia, Spain, Switzerland, Ukraine, Uruguay and Venezuela (Bolivarian Republic of), introduced a draft resolution entitled "United Nations Declaration on Human Rights Education and Training" (A/C.3/66/L.65). Subsequently, Bosnia and Herzegovina, Burkina Faso, Burundi, the Congo, Côte d'Ivoire, Egypt, Estonia, France, Iceland, India, Latvia, Mali, Nicaragua, the Niger, Nigeria, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Turkey and the United Republic of Tanzania joined in sponsoring the draft resolution.

11. At its 45th meeting, on 17 November, the Committee adopted draft resolution A/C.3/66/L.65 (see para. 20, draft resolution II).

12. After the adoption of the draft resolution, statements were made by the representatives of the United Kingdom of Great Britain and Northern Ireland, the United States of America and Canada (see A/C.3/66/SR.45).

C. Draft resolution A/C.3/66/L.66

13. At the 43rd meeting, on 10 November, the representative of Slovakia, on behalf of Albania, Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Guatemala, Honduras, Hungary, Ireland, Italy, Jordan, Liechtenstein, Luxembourg, Maldives, Montenegro, Panama, Peru, Portugal, Senegal, Serbia, Slovenia, Spain, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, the United States of America

and Uruguay, introduced a draft resolution entitled "Optional Protocol to the Convention on the Rights of the Child on a communications procedure" (A/C.3/66/L.66).

14. At the same meeting, the representative of Slovakia orally revised the first preambular paragraph by replacing the words "*Welcoming* the adoption by the Human Rights Council" by the words "*Taking note with appreciation* of the adoption by the Human Rights Council".

15. At the 44th meeting, on 15 November, the Secretary read out a statement of programme budget implications of the draft resolution.

16. Subsequently, Bangladesh, Côte d'Ivoire, the Dominican Republic, Japan, Kazakhstan, Mali, Morocco and Poland joined in sponsoring the draft resolution.

17. At the same meeting, the Committee adopted draft resolution A/C.3/66/L.66, as orally revised (see para. 20, draft resolution III).

18. After the adoption of the draft resolution, a statement was made by the representative of Maldives (see A/C.3/66/SR.44).

D. Draft decision proposed by the Chair

19. At its 45th meeting, on 17 November, on the proposal of the Chair, the Committee decided to recommend to the General Assembly that it take note of the report of the Secretary-General on the observance of the International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims (A/66/335) (see para. 21).

III. Recommendations of the Third Committee

20. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Report of the Human Rights Council

The General Assembly,

Recalling its resolutions 60/251 of 15 March 2006, by which it established the Human Rights Council, and 65/281 of 17 June 2011, by which it reviewed the Human Rights Council,

Recalling also its resolutions 62/219 of 22 December 2007, 63/160 of 18 December 2008, 64/143 of 18 December 2009 and 65/195 of 21 December 2010,

Having considered the recommendations contained in the report of the Human Rights Council,[1]

1. *Takes note* of the report of the Human Rights Council, its addendum and its recommendations.

[1] *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53) and ibid., *Supplement No. 53A* (A/66/53/Add.1).

Draft resolution III
United Nations Declaration on Human Rights Education and Training

The General Assembly,

Welcoming the adoption by the Human Rights Council, in its resolution 16/1 of 23 March 2011,[1] of the United Nations Declaration on Human Rights Education and Training,

1. *Adopts* the United Nations Declaration on Human Rights Education and Training annexed to the present resolution;

2. *Invites* Governments, agencies and organizations of the United Nations system, and intergovernmental and non-governmental organizations to intensify their efforts to disseminate the Declaration and to promote universal respect and understanding thereof, and requests the Secretary-General to include the text of the Declaration in the next edition of *Human Rights: A Compilation of International Instruments*.

Annex
United Nations Declaration on Human Rights Education and Training

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations with regard to the promotion and encouragement of respect for all human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming also that every individual and every organ of society shall strive by teaching and education to promote respect for human rights and fundamental freedoms,

Reaffirming further that everyone has the right to education, and that education shall be directed to the full development of the human personality and the sense of its dignity, enable all persons to participate effectively in a free society and promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace, security and the promotion of development and human rights,

Reaffirming that States are duty-bound, as stipulated in the Universal Declaration of Human Rights,[2] the International Covenant on Economic, Social and Cultural Rights[3] and in other human rights instruments, to ensure that education is aimed at strengthening respect for human rights and fundamental freedoms,

Acknowledging the fundamental importance of human rights education and training in contributing to the promotion, protection and effective realization of all human rights,

Reaffirming the call of the World Conference on Human Rights, held in Vienna in 1993, on all States and institutions to include human rights, humanitarian law,

[1] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. I.

[2] Resolution 217 A (III).

[3] See resolution 2200 A (XXI), annex.

democracy and rule of law in the curricula of all learning institutions, and its statement that human rights education should include peace, democracy, development and social justice, as set forth in international and regional human rights instruments, in order to achieve common understanding and awareness with a view to strengthening universal commitment to human rights,[4]

Recalling the 2005 World Summit Outcome,[5] in which Heads of State and Government supported the promotion of human rights education and learning at all levels, including through the implementation of the World Programme for Human Rights Education, and encouraged all States to develop initiatives in that regard,

Motivated by the desire to send a strong signal to the international community to strengthen all efforts in human rights education and training through a collective commitment by all stakeholders,

Declares:

Article 1

1. Everyone has the right to know, seek and receive information about all human rights and fundamental freedoms and should have access to human rights education and training.

2. Human rights education and training is essential for the promotion of universal respect for and observance of all human rights and fundamental freedoms for all, in accordance with the principles of the universality, indivisibility and interdependence of human rights.

3. The effective enjoyment of all human rights, in particular the right to education and access to information, enables access to human rights education and training.

Article 2

1. Human rights education and training comprises all educational, training, information, awareness-raising and learning activities aimed at promoting universal respect for and observance of all human rights and fundamental freedoms and thus contributing, inter alia, to the prevention of human rights violations and abuses by providing persons with knowledge, skills and understanding and developing their attitudes and behaviours, to empower them to contribute to the building and promotion of a universal culture of human rights.

2. Human rights education and training encompasses:

(a) Education about human rights, which includes providing knowledge and understanding of human rights norms and principles, the values that underpin them and the mechanisms for their protection;

(b) Education through human rights, which includes learning and teaching in a way that respects the rights of both educators and learners;

(c) Education for human rights, which includes empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others.

[4] A/CONF.157/24 (Part I), chap. III, sect. II, paras. 79 and 80.

[5] General Assembly resolution 60/1.

Article 3

1. Human rights education and training is a lifelong process that concerns all ages.

2. Human rights education and training concerns all parts of society, at all levels, including preschool, primary, secondary and higher education, taking into account academic freedom where applicable, and all forms of education, training and learning, whether in a public or private, formal, informal or non-formal setting. It includes, inter alia, vocational training, particularly the training of trainers, teachers and State officials, continuing education, popular education, and public information and awareness activities.

3. Human rights education and training should use languages and methods suited to target groups, taking into account their specific needs and conditions.

Article 4

Human rights education and training should be based on the principles of the Universal Declaration of Human Rights and relevant treaties and instruments, with a view to:

(a) Raising awareness, understanding and acceptance of universal human rights standards and principles, as well as guarantees at the international, regional and national levels for the protection of human rights and fundamental freedoms;

(b) Developing a universal culture of human rights, in which everyone is aware of their own rights and responsibilities in respect of the rights of others, and promoting the development of the individual as a responsible member of a free, peaceful, pluralist and inclusive society;

(c) Pursuing the effective realization of all human rights and promoting tolerance, non-discrimination and equality;

(d) Ensuring equal opportunities for all through access to quality human rights education and training, without any discrimination;

(e) Contributing to the prevention of human rights violations and abuses and to the combating and eradication of all forms of discrimination, racism, stereotyping and incitement to hatred, and the harmful attitudes and prejudices that underlie them.

Article 5

1. Human rights education and training, whether provided by public or private actors, should be based on the principles of equality, particularly between girls and boys and between women and men, human dignity, inclusion and non-discrimination.

2. Human rights education and training should be accessible and available to all persons and should take into account the particular challenges and barriers faced by, and the needs and expectations of, persons in vulnerable and disadvantaged situations and groups, including persons with disabilities, in order to promote empowerment and human development and to contribute to the elimination of the causes of exclusion or marginalization, as well as enable everyone to exercise all their rights.

3. Human rights education and training should embrace and enrich, as well as draw inspiration from, the diversity of civilizations, religions, cultures and traditions of different countries, as it is reflected in the universality of human rights.

4. Human rights education and training should take into account different economic, social and cultural circumstances, while promoting local initiatives in order to encourage ownership of the common goal of the fulfilment of all human rights for all.

Article 6

1. Human rights education and training should capitalize on and make use of new information and communication technologies, as well as the media, to promote all human rights and fundamental freedoms.

2. The arts should be encouraged as a means of training and raising awareness in the field of human rights.

Article 7

1. States, and where applicable relevant governmental authorities, have the primary responsibility to promote and ensure human rights education and training, developed and implemented in a spirit of participation, inclusion and responsibility.

2. States should create a safe and enabling environment for the engagement of civil society, the private sector and other relevant stakeholders in human rights education and training, in which the human rights and fundamental freedoms of all, including of those engaged in the process, are fully protected.

3. States should take steps, individually and through international assistance and cooperation, to ensure, to the maximum of their available resources, the progressive implementation of human rights education and training by appropriate means, including the adoption of legislative and administrative measures and policies.

4. States, and where applicable relevant governmental authorities, should ensure adequate training in human rights and, where appropriate, international humanitarian law and international criminal law, of State officials, civil servants, judges, law enforcement officials and military personnel, as well as promote adequate training in human rights for teachers, trainers and other educators and private personnel acting on behalf of the State.

Article 8

1. States should develop, or promote the development of, at the appropriate level, strategies and policies and, where appropriate, action plans and programmes to implement human rights education and training, such as through its integration into school and training curricula. In so doing, they should take into account the World Programme for Human Rights Education and specific national and local needs and priorities.

2. The conception, implementation and evaluation of and follow-up to such strategies, action plans, policies and programmes should involve all relevant stakeholders, including the private sector, civil society and national human rights institutions, by promoting, where appropriate, multi-stakeholder initiatives.

Article 9

States should promote the establishment, development and strengthening of effective and independent national human rights institutions, in compliance with the

principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles),[6] recognizing that national human rights institutions can play an important role, including, where necessary, a coordinating role, in promoting human rights education and training by, inter alia, raising awareness and mobilizing relevant public and private actors.

Article 10

1. Various actors within society, including, inter alia, educational institutions, the media, families, local communities, civil society institutions, including non-governmental organizations, human rights defenders and the private sector, have an important role to play in promoting and providing human rights education and training.

2. Civil society institutions, the private sector and other relevant stakeholders are encouraged to ensure adequate human rights education and training for their staff and personnel.

Article 11

The United Nations and international and regional organizations should provide human rights education and training for their civilian personnel and for military and police personnel serving under their mandates.

Article 12

1. International cooperation at all levels should support and reinforce national efforts, including, where applicable, at the local level, to implement human rights education and training.

2. Complementary and coordinated efforts at the international, regional, national and local levels can contribute to more effective implementation of human rights education and training.

3. Voluntary funding for projects and initiatives in the field of human rights education and training should be encouraged.

Article 13

1. International and regional human rights mechanisms should, within their respective mandates, take into account human rights education and training in their work.

2. States are encouraged to include, where appropriate, information on the measures that they have adopted in the field of human rights education and training in their reports to relevant human rights mechanisms.

Article 14

States should take appropriate measures to ensure the effective implementation of and follow-up to the present Declaration and make the necessary resources available in this regard.

[6] Resolution 48/134, annex.

Draft resolution III
Optional Protocol to the Convention on the Rights of the Child on a communications procedure

The General Assembly,

Taking note with appreciation of the adoption by the Human Rights Council, through its resolution 17/18 of 17 June 2011,[1] of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure,

1. *Adopts* the Optional Protocol to the Convention on the Rights of the Child on a communications procedure as contained in the annex to the present resolution;

2. *Recommends* that the Optional Protocol be opened for signature at a signing ceremony to be held in 2012, and requests the Secretary-General and the United Nations High Commissioner for Human Rights to provide the necessary assistance.

Annex
Optional Protocol to the Convention on the Rights of the Child on a communications procedure

The States parties to the present Protocol,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, the recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Noting that the States parties to the Convention on the Rights of the Child (hereinafter referred to as "the Convention") recognize the rights set forth in it to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status,

Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms,

Reaffirming also the status of the child as a subject of rights and as a human being with dignity and with evolving capacities,

Recognizing that children's special and dependent status may create real difficulties for them in pursuing remedies for violations of their rights,

Considering that the present Protocol will reinforce and complement national and regional mechanisms allowing children to submit complaints for violations of their rights,

Recognizing that the best interests of the child should be a primary consideration to be respected in pursuing remedies for violations of the rights of the

[1] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. I.

child, and that such remedies should take into account the need for child-sensitive procedures at all levels,

Encouraging States parties to develop appropriate national mechanisms to enable a child whose rights have been violated to have access to effective remedies at the domestic level,

Recalling the important role that national human rights institutions and other relevant specialized institutions, mandated to promote and protect the rights of the child, can play in this regard,

Considering that, in order to reinforce and complement such national mechanisms and to further enhance the implementation of the Convention and, where applicable, the Optional Protocols thereto on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, it would be appropriate to enable the Committee on the Rights of the Child (hereinafter referred to as "the Committee") to carry out the functions provided for in the present Protocol,

Have agreed as follows:

Part I
General provisions

Article 1
Competence of the Committee on the Rights of the Child

1. A State party to the present Protocol recognizes the competence of the Committee as provided for by the present Protocol.

2. The Committee shall not exercise its competence regarding a State party to the present Protocol on matters concerning violations of rights set forth in an instrument to which that State is not a party.

3. No communication shall be received by the Committee if it concerns a State that is not a party to the present Protocol.

Article 2
General principles guiding the functions of the Committee

In fulfilling the functions conferred on it by the present Protocol, the Committee shall be guided by the principle of the best interests of the child. It shall also have regard for the rights and views of the child, the views of the child being given due weight in accordance with the age and maturity of the child.

Article 3
Rules of procedure

1. The Committee shall adopt rules of procedure to be followed when exercising the functions conferred on it by the present Protocol. In doing so, it shall have regard, in particular, for article 2 of the present Protocol in order to guarantee child-sensitive procedures.

2. The Committee shall include in its rules of procedure safeguards to prevent the manipulation of the child by those acting on his or her behalf and may decline to examine any communication that it considers not to be in the child's best interests.

Article 4
Protection measures

1. A State party shall take all appropriate steps to ensure that individuals under its jurisdiction are not subjected to any human rights violation, ill-treatment or intimidation as a consequence of communications or cooperation with the Committee pursuant to the present Protocol.

2. The identity of any individual or group of individuals concerned shall not be revealed publicly without their express consent.

Part II
Communications procedure

Article 5
Individual communications

1. Communications may be submitted by or on behalf of an individual or group of individuals, within the jurisdiction of a State party, claiming to be victims of a violation by that State party of any of the rights set forth in any of the following instruments to which that State is a party:

(a) The Convention;

(b) The Optional Protocol to the Convention on the sale of children, child prostitution and child pornography;

(c) The Optional Protocol to the Convention on the involvement of children in armed conflict.

2. Where a communication is submitted on behalf of an individual or group of individuals, this shall be with their consent unless the author can justify acting on their behalf without such consent.

Article 6
Interim measures

1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State party concerned for its urgent consideration a request that the State party take such interim measures as may be necessary in exceptional circumstances to avoid possible irreparable damage to the victim or victims of the alleged violations.

2. Where the Committee exercises its discretion under paragraph 1 of the present article, this does not imply a determination on admissibility or on the merits of the communication.

Article 7
Admissibility

The Committee shall consider a communication inadmissible when:

(a) The communication is anonymous;

(b) The communication is not in writing;

(c) The communication constitutes an abuse of the right of submission of such communications or is incompatible with the provisions of the Convention and/or the Optional Protocols thereto;

(d) The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;

(e) All available domestic remedies have not been exhausted. This shall not be the rule where the application of the remedies is unreasonably prolonged or unlikely to bring effective relief;

(f) The communication is manifestly ill-founded or not sufficiently substantiated;

(g) The facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State party concerned, unless those facts continued after that date;

(h) The communication is not submitted within one year after the exhaustion of domestic remedies, except in cases where the author can demonstrate that it had not been possible to submit the communication within that time limit.

Article 8
Transmission of the communication

1. Unless the Committee considers a communication inadmissible without reference to the State party concerned, the Committee shall bring any communication submitted to it under the present Protocol confidentially to the attention of the State party concerned as soon as possible.

2. The State party shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that it may have provided. The State party shall submit its response as soon as possible and within six months.

Article 9
Friendly settlement

1. The Committee shall make available its good offices to the parties concerned with a view to reaching a friendly settlement of the matter on the basis of respect for the obligations set forth in the Convention and/or the Optional Protocols thereto.

2. An agreement on a friendly settlement reached under the auspices of the Committee closes consideration of the communication under the present Protocol.

Article 10
Consideration of communications

1. The Committee shall consider communications received under the present Protocol as quickly as possible, in the light of all documentation submitted to it, provided that this documentation is transmitted to the parties concerned.

2. The Committee shall hold closed meetings when examining communications received under the present Protocol.

3. Where the Committee has requested interim measures, it shall expedite the consideration of the communication.

4. When examining communications alleging violations of economic, social or cultural rights, the Committee shall consider the reasonableness of the steps taken by the State party in accordance with article 4 of the Convention. In doing so, the Committee shall bear in mind that the State party may adopt a range of possible policy measures for the implementation of the economic, social and cultural rights in the Convention.

5. After examining a communication, the Committee shall, without delay, transmit its views on the communication, together with its recommendations, if any, to the parties concerned.

Article 11
Follow-up

1. The State party shall give due consideration to the views of the Committee, together with its recommendations, if any, and shall submit to the Committee a written response, including information on any action taken and envisaged in the light of the views and recommendations of the Committee. The State party shall submit its response as soon as possible and within six months.

2. The Committee may invite the State party to submit further information about any measures the State party has taken in response to its views or recommendations or implementation of a friendly settlement agreement, if any, including as deemed appropriate by the Committee, in the State party's subsequent reports under article 44 of the Convention, article 12 of the Optional Protocol on the sale of children, child prostitution and child pornography or article 8 of the Optional Protocol on the involvement of children in armed conflict, where applicable.

Article 12
Inter-State communications

1. A State party to the present Protocol may, at any time, declare that it recognizes the competence of the Committee to receive and consider communications in which a State party claims that another State party is not fulfilling its obligations under any of the following instruments to which the State is a party:

(a) The Convention;

(b) The Optional Protocol to the Convention on the sale of children, child prostitution and child pornography;

(c) The Optional Protocol to the Convention on the involvement of children in armed conflict.

2. The Committee shall not receive communications concerning a State party that has not made such a declaration or communications from a State party that has not made such a declaration.

3. The Committee shall make available its good offices to the States parties concerned with a view to a friendly solution of the matter on the basis of the respect for the obligations set forth in the Convention and the Optional Protocols thereto.

4. A declaration under paragraph 1 of the present article shall be deposited by the States parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter that is the subject of a communication already transmitted under the present article; no further communications by any State party shall be received under the present article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State party concerned has made a new declaration.

Part III
Inquiry procedure

Article 13
Inquiry procedure for grave or systematic violations

1. If the Committee receives reliable information indicating grave or systematic violations by a State party of rights set forth in the Convention or in the Optional Protocols thereto on the sale of children, child prostitution and child pornography or on the involvement of children in armed conflict, the Committee shall invite the State party to cooperate in the examination of the information and, to this end, to submit observations without delay with regard to the information concerned.

2. Taking into account any observations that may have been submitted by the State party concerned, as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State party, the inquiry may include a visit to its territory.

3. Such an inquiry shall be conducted confidentially, and the cooperation of the State party shall be sought at all stages of the proceedings.

4. After examining the findings of such an inquiry, the Committee shall transmit without delay these findings to the State party concerned, together with any comments and recommendations.

5. The State party concerned shall, as soon as possible and within six months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.

6. After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2 of the present article, the Committee may, after consultation with the State party concerned, decide to include a summary account of the results of the proceedings in its report provided for in article 16 of the present Protocol.

7. Each State party may, at the time of signature or ratification of the present Protocol or accession thereto, declare that it does not recognize the competence of the Committee provided for in the present article in respect of the rights set forth in some or all of the instruments listed in paragraph 1.

8. Any State party having made a declaration in accordance with paragraph 7 of the present article may, at any time, withdraw this declaration by notification to the Secretary-General of the United Nations.

Article 14
Follow-up to the inquiry procedure

1. The Committee may, if necessary, after the end of the period of six months referred to in article 13 (5), invite the State party concerned to inform it of the measures taken and envisaged in response to an inquiry conducted under article 13 of the present Protocol.

2. The Committee may invite the State party to submit further information about any measures that the State party has taken in response to an inquiry conducted under article 13, including as deemed appropriate by the Committee, in the State party's subsequent reports under article 44 of the Convention, article 12 of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography or article 8 of the Optional Protocol to the Convention on the involvement of children in armed conflict, where applicable.

Part IV
Final provisions

Article 15
International assistance and cooperation

1. The Committee may transmit, with the consent of the State party concerned, to United Nations specialized agencies, funds and programmes and other competent bodies its views or recommendations concerning communications and inquiries that indicate a need for technical advice or assistance, together with the State party's observations and suggestions, if any, on these views or recommendations.

2. The Committee may also bring to the attention of such bodies, with the consent of the State party concerned, any matter arising out of communications considered under the present Protocol that may assist them in deciding, each within its field of competence, on the advisability of international measures likely to contribute to assisting States parties in achieving progress in the implementation of the rights recognized in the Convention and/or the Optional Protocols thereto.

Article 16
Report to the General Assembly

The Committee shall include in its report submitted every two years to the General Assembly in accordance with article 44 (5) of the Convention a summary of its activities under the present Protocol.

Article 17
Dissemination of and information on the Optional Protocol

Each State party undertakes to make widely known and to disseminate the present Protocol and to facilitate access to information about the views and recommendations of the Committee, in particular with regard to matters involving the State party, by appropriate and active means and in accessible formats to adults and children alike, including those with disabilities.

Article 18
Signature, ratification and accession

1. The present Protocol is open for signature to any State that has signed, ratified or acceded to the Convention or either of the first two Optional Protocols thereto.

2. The present Protocol is subject to ratification by any State that has ratified or acceded to the Convention or either of the first two Optional Protocols thereto. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Protocol shall be open to accession by any State that has ratified or acceded to the Convention or either of the first two Optional Protocols thereto.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General.

Article 19
Entry into force

1. The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.

2. For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or instrument of accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or accession.

Article 20
Violations occurring after the entry into force

1. The Committee shall have competence solely in respect of violations by the State party of any of the rights set forth in the Convention and/or the first two Optional Protocols thereto occurring after the entry into force of the present Protocol.

2. If a State becomes a party to the present Protocol after its entry into force, the obligations of that State vis-à-vis the Committee shall relate only to violations of the rights set forth in the Convention and/or the first two Optional Protocols thereto occurring after the entry into force of the present Protocol for the State concerned.

Article 21
Amendments

1. Any State party may propose an amendment to the present Protocol and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States parties with a request to be notified whether they favour a meeting of States parties for the purpose of considering and deciding upon the proposals. In the event that, within four months of the date of such communication, at least one third of the States parties favour such a meeting, the Secretary-General shall convene the meeting under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States parties present and voting shall be submitted by the Secretary-General to the General Assembly for approval and, thereafter, to all States parties for acceptance.

2. An amendment adopted and approved in accordance with paragraph 1 of the present article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States parties that have accepted it.

Article 22
Denunciation

1. Any State party may denounce the present Protocol at any time by written notification to the Secretary-General of the United Nations. The denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

2. Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under articles 5 or 12 or any inquiry initiated under article 13 before the effective date of denunciation.

Article 23
Depositary and notification by the Secretary-General

1. The Secretary-General of the United Nations shall be the depositary of the present Protocol.

2. The Secretary-General shall inform all States of:

(a) Signatures, ratifications and accessions under the present Protocol;

(b) The date of entry into force of the present Protocol and of any amendment thereto under article 21;

(c) Any denunciation under article 22.

Article 24
Languages

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States.

21. The Third Committee recommends to the General Assembly the adoption of the following draft decision:

Report of the Secretary-General on the observance of the International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims

The General Assembly decides to take note of the report of the Secretary-General on the observance of the International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims.[1]

[1] A/66/335.